

Message Text

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UNCLAS SECTION 1 OF 2 USUN 5081

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TAGS: IMGA, SHUM, PFOR, CI

SUBJ: UNGA: REPORT ON "PROTECTION OF HUMAN RIGHTS IN CHILE"

SUMMARY: THE REPORT TO THE UNGA ON VIOLATION OF HUMAN RIGHTS IN CHILE BEGINS WITH A REVIEW OF EVENTS LEADING TO REFUSAL OF GOC TO ADMIT THE WORKING GROUP AND AN EXAMINATION OF THE ROLE OF THE MILITARY TRIBUNAL UNDER THE STATE OF SEIGE. TURNING TO ACTUAL DEPRIVATION OF RIGHTS, IT DESCRIBES DINA AS A "SUPER STATE" UNRESTRICTED BY LAW. THE REPORT DESCRIBES DETENTION CONDITIONS AS UNSATISFACTORY AND IS SKEPTICAL ABOUT NEWS STORIES CONCERNING THE 119 "MISSING" PRISONERS. IT CITES 11 DETENTION AND 12 INTERROGATION ("TORTURE") CENTERS. IT CHARGES DINA AS BEING THE PRIMARY AGENCY FOR TORTURE AND EXPLICITLY DESCRIBES A NUMBER OF TYPES OF TORTURE. END SUMMARY.

1. THE REPORT OF ECOSOC TO THE GENERAL ASSEMBLY, TECHNICALLY A PROGRESS REPORT OF THE AD HOC WORKING GROUP (AHWG), CHAIRED BY C. A. ALLANA TOTALS 78 SINGLE SPACED PAGES, OF WHICH 37 ARE DEVOTED TO SUBSTANTIVE EXAMINATION OF VIOLATIONS OF HUMAN RIGHTS IN CHILE. SEVENTEEN ANNEXES, ARE ALSO INCLUDED. IN THE INTRODUCTORY SECTION THE AHWG NOTES THAT TESTIMONY HAD TO BE TAKEN FROM PERSONS OUTSIDE OF CHILE SINCE THE UNCLASSIFIED

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GOVERNMENT'S REFUSAL TO PERMIT THE GROUP'S ENTRY, "A

COMPLETE REVERSAL OF A COMMITMENT PREVIOUS MADE," PRECLUDED OTHER OPTIONS. THEREFORE "IMPERFECTIONS, IF ANY" IN THE REPORT ARE DUE TO THE GOC.

2. AFTER EXPLANATORY SECTIONS ON MODUS OPERANDI, THE ABORTED CHILE VISIT, THE AHWG REVIEWED RELEVANT CHILEAN CONSTITUTIONAL AND LEGISLATIVE PROVISIONS, NOTING THAT ALTHOUGH LEGALLY HUMAN RIGHTS PROTECTION HAD "NOT BEEN EXPRESSLY ABROGATED," THE PROMINENCE OF THE MILITARY COURTS HAS REDUCED THE ROLE OF THE CIVIL COURTS TO THE "BARE MINIMUM."

3. IN GENERAL, THE AHWG STATED, THE STATE OF SIEGE SITUATION SUSPENDS "FOR ALL PRACTICAL PURPOSES LEGAL AND PROCEDURAL REMEDIES NORMALLY AVAILABLE FOR THE PROTECTION OF HUMAN RIGHTS," AND THAT THE STATE OF SEIGE IS BEING USED AS "A COVER" FOR ALL KINDS OF MEASURES "DEROGATING FROM THE NORMAL APPLICATION OF THE LAWS OR ADVERSELY AFFECTING HUMAN RIGHTS," EITHER BY ACTS OF COMMISSION OR OMISSION. THE AHC DESCRIBED THE MILITARY COURTS ATMOSPHERE AS "SIMILAR TO A MILITARY TRIAL, DISPENSING WITH THE PROCEDURES INHERENT IN CIVILIAN TRIALS." INDEED RESTRICTIONS ON THE CIVILIAN JUDICIARY "PUT INTO QUESTION THE MAINTENANCE OF INTEGRITY AND OF INTS INDEPENDENCE."

4. THE ENTIRE HUMAN RIGHTS SITUATION IN CHILE, THE AHC STATES, IS PROFOUNDLY AFFECTED BY THE "ALL POWERFUL" DIRECTORATE OF NATIONAL INTELLIGENCE (DINA), WHICH IS "UNRESTRICTED BY ANY LEGAL PROVISIONS" AND "WORKS" "WITHOUT ANY LIMITATION AS TO THE DEGREE OF VIOLENCE WHICH IT USES." DINA AGENTS "SEEM AT TIMES TO FOLLOW METHODICAL TECHNIQUES AND AT OTHER TIMES JUST GIVE WAY TO THE LOWEST INSTINCTS OF BRUTALITY, IN PARTICULAR WITH REGARD TO WOMEN PRISONERS."

5. CONCERNING ARREST AND DETENTION, THE AHWG HAS "MASSIVE INFORMATION" THAT THE ARRESTEES WERE OFTEN HELD FOR LONG PERIODS PERIODS INCOMMUNICADO AND SUBJECTED TO "REPEATED AND RUTHLESS INTERROGATION," IN UNSANITARY AND UNCLASSIFIED

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OVERCROWDED FACILITIES. THE AHC GIVES A "NOT STRICTLY VERIFIED" ESTIMATE OF AT LEAST 40,000 TO 50,000 CHILEANS ARRESTED AND DETAINED SINCE SEPTEMBER 1973. FURTHER, THOSE ARRESTED BY DINA ARE SUBJECT TO "BEATINGS, SYSTEMATIC TORTURE METHODS OR 'IMPROVISED' MEASURES OF DEGRADATION AND BRUTALITY." DINA, "A SUPER-STATE WITHIN CHILE...IS LOOKED UPON AS A SYMBOL OF TERROR THAT SPRAWLS ON THE STREETS OF CHILE LIKE A HAUNTING NIGHTMOARE."

6. ACCORDING TO EVIDENCE, THE AHC STATES, THE INITIAL "CHAOTIC AND INHUMANE BRUTALITY" HAS RECENTLY BEEN REPLACED BY "MORE SYSTEMATIC METHODS DIRECTLY AGAINST SELECTED INDIVIDUALS." CURRENT CONDITIONS OF DETENTION ARE DESCRIBED AS "UNSATISFACTORY" "VERY POOR" AND "DETRIMENTAL TO HEALTH." THE REPORT CITED OFFICIAL GOC SOURCES INDICATING THAT AS OF MARCH, 1975, 41,759 PERSONS HAD BEEN ARRESTED SINCE SEPTEMBER 1973, OF WHOM 36,605 HAD BEEN RELEASED. HOWEVER THE AHC NOTED THAT A NUMBER OF PERSONS HAD "DISAPPEARED," AND THAT IT HAS EVIDENCE TO INDICATE THAT MANY ARE DETAINED INCOMMUNICATED OR HAVE BEEN "ELIMINATED." IT SPECIFICALLY CITED THE CASES OF DAVID SILVERMAN GURUVICH AND GUILLERMO BEAUSIRE ALONSO, AS TWO SPECIFIC "HARD CASES" TO WHICH THE UNGA MAY WISH TO GIVE SPECIAL CONSIDERATION. LATER THE AHC BROUGHT TO GA ATTENTION THE SPECIFIC CASES OF PETRO FELIPE RAMIREZ (DETAINED), CPC SECRETARY GENERAL LUIS CORVALAN (DETAINED AND IN ILL HEALTH) AND PROFESSOR ENRIQUE KIRBERG (DETAINED). REFERRING TO THE LIST OF 119 NAMES REPORTED IN LEA (ARGENTINA) AND O DIA (BRAZIL), THE WC WAS SKEPTICAL OF THEIR BONA FIDES SINCE "IT SEEMED UNLIKELY THAT THE FULL NAMES OF 119 CHILEANS, CORRECTLY SPELLED, COULD HAVE BEEN OBTAINED BY TWO ORGANIZATIONS HARDLY HEARD OF BEFORE." ON THE OTHER HAND, ALL PERSONS SO LISTED HAD BEEN REPORTED AS HAVING BEEN ARRESTED OR "DISAPPEARED."

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7. THE STRONGEST PART OF THE TEXT DEALT WITH "TORTURE, CRUEL AND INHUMAN TREATMENT, THREATS TO HUMAN LIFE AND THE ALLEGED EXISTENCE OF CONCENTRATION CAMPS, WITH INFORMATION SUPPLIED BY "MANY PERSONS," EITHER FROM PERSONAL OR OBSERVED EXPERIENCE. THE AHWG SPECIFICALLY NAMED 11 "DETENTION" CENTERS, MOST IN SANTIAGO, AND 12 INTERROGATION, "COMMONLY REFERRED TO AS TORTURE CENTERS." PRACTICALLY ALL EVIDENCE SHOWS" DINAS AS THE PRIMARY AGENCY FOR UNDERTAKING TORTURE. AHCW RECEIVED REPORTS ON THREE CATEGORIES OF "ILL TREATMENT." (A) BAD PRISON CONDITIONS, E.G. OVERCROWDING, HUMILIATING WORK, PROLONGED SOLITARY CONFINEMENT, (B) ACTUAL PHYSICAL MISTREATMENT "GENERALLY APPLIED DURING INTERROGATION" E.G. BEATINGS, RAPE, FINGER NAILS RIPPED OUT, AND (C) PSYCHOLOGICAL PRESSURE, INCLUDING FORCED WITNESS BY PRISONERS OF PHYSICAL AND SEXUAL ABUSE OF FRIENDS AND RELATIVES.

8. THE AHWG EXAMINED SCARS ON PERSONS ALLEGEDLY TORTURED THROUGH SUCH "COMMON FORMS" AS: USE OF ELECTRICITY, RAPE, INTRODUCTION INTO BODY OPENINGS OF VARIOUS OBJECTS, AND BEATINGS. THE AHWG ALSO REPORTED HEARING OF "PARTICULARLY HEINOUS OR REVOLTING" TORTURE, E.G. INTRODUCTION OF LIVE MICE INTO THE VAGINA OF UNBLINDFOLDED UNCLASSIFIED

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PRISONERS, USE OF LIGHTED CIGARETTES ON SENSITIVE PORTIONS OF THE BODY, FORCED SWALLOWING OF EXCREMENT, AND RAPE OF WOMEN BY TRAINED DOGS. ONE OSWALDO ROMO WAS SPECIFICALLY CITED TO THE UNGA FOR HIS ACT AS A TORTURER, WHILE 11 OTHER POLICE OR MILITARY OFFICERS WERE ALSO NAMED.

9. IT IS WITH "PROFOUND DISGUST" THE AHWG MADE ITS REPORT TO THE GA. WHETHER FOR COLLECTING INTELLIGENCE OR PUNISHING ENEMIES, THE REGIME WHICH "HAS NOW BEEN IN POWER FOR TWO YEARS WITHOUT SIGNIFICANT DISTURBANCE HAS ENGAGED IN ACTIONS FORBIDDEN BY INTERNATIONAL LAW EVEN UNDER AN EMERGENCY SITUATION AND IT GOES WITHOUT SAYING THAT MANY OF THEM ARE INEXCUSIBLE AND CONSTITUTE AN AFFRONT TO THE ELEMENTARY MORAL STANDARDS OF MANKIND AND THE DIGNITY OF THE HUMAN INDIVIDUAL." THE TEACHING OF TORTURE AS A "NEW SCIENCE" IN "OMINOUS AND CALLS FOR STRONG REPROBATION."

10. THE REPORT CONCLUDED WITH A BROAD EXAMINATION

OF THE CURRENT CHILEAN HUMAN RIGHTS SITUATION AS IT
AFFECTS, INTER ALIA: WOMEN (ADVERSELY AFFECTED...
TORTURED BECAUSE OF TIES WITH RELATIVES OR FRIENDS..),
CHILDREN (DEPRIVED OF PARENTS, TREATED AS ADULTS IN
THE MILITARY COURTS AND CAMPS), POLITICAL RIGHTS
("ONLY THOSE WHO SUPPORT THE PRESENT GOVERNMENT CAN
VOTE") FREEDOM OF EXPRESSION ("AT MOST SELF CENSOR-
SHIP"), ASSOCIATION "SEVERLY CURTAILED"), AND TRADE
UNION RIGHTS ("INFRINGED IN SEVERAL RESPECTS").

11. ENGLISH TEXT A/10285 DATED OCTOBER 7, POUCHED
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